



ATTORNEY DOCKET NO.: 600-65-PA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Sinha, et al.

Serial No. 10/606,603

Filed: June 26, 2003

For: 5-[Phenyl,
Tetrahydronaphthalene-2-YL
Dihydronaphthalen-2-YL and
Heteroaryl-Cyclopropyl]-Pentadienoic
Acid Derivatives Having Serum
Glucose Reducing Activity

) Examiner: Amelia A. Owens

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) Art Unit: 1625

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**AMENDMENT AND RESPONSE
TO REQUIREMENT FOR
RESTRICTION AND ELECTION
OF SPECIES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing

I hereby certify that this correspondence is being deposited on September 1, 2004 with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Toni Whyte

September 1, 2004
Date

**AMENDMENT AND RESPONSE TO REQUIREMENT FOR
RESTRICTION AND ELECTION OF SPECIES**

Dear Sir:

Response to requirement for restriction and election of species

In response to the Requirements for Restriction and Election of
Species dated August 2, 2004 the applicant, acting through the undersigned

09/08/2004 HLE333 00000112 10606603

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02 FC:1202

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attorney elects Claim Group (Claims 1 – 17 and 42) for immediate prosecution.

Applicant elects **Compound 21a** as the single required species.

Compound 21a and can be found, *inter alia* on pages 56 - 57 of the specification. Claims 1 – 9, 18, 19, 22, 23 read on the elected species. Claim 42 reads on the process of using the elected species.

The Examiner's attention is drawn to the fact that the subject matter of Claims 18, 19, 22 and 23 is subgeneric to Claim 1 and read on the elected species. Therefore in the event Claim 1 is found to be allowable then Claims 18, 19, 22 and 23 should also be allowable.

Applicant respectfully requests the Examiner to clearly delineate in the next Office Action the scope of the search conducted by the Examiner, so that applicant has a clear indication regarding the subject matter that is actually restricted out of this application.

The requirements for restriction and election of species are respectfully traversed on the basis that in the applicant's opinion a search directed to the entire subject matter of the claims would not be unduly burdensome.